

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Jonathan M. Kirshbaum
5 Assistant Federal Public Defender
6 New York State Bar No. 2857100
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 jonathan_kirshbaum@fd.org

11 *Attorney for Petitioner Janet Hiller

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Janet Hiller,

Petitioner,

v.

Dwight Neven, *et al.*,

Respondents.

Case No. 2:19-cv-00260-RFB-EJY

**Unopposed motion for extension of
time to file Second Amended
Petition**

(First Request)

Petitioner Janet Hiller moves for an extension of time of 62 days, up to and including Monday, December 16, 2019, to file the Second Amended Petition. Respondents do not oppose this request.

POINTS AND AUTHORITIES

1. Petitioner Janet Hiller filed a first amended petition on June 28, 2019. ECF No. 12. At the same time, she moved for leave to file a second amended petition. ECF No. 14. On July 15, 2019, this Court granted the motion and ordered the second amended petition to be filed by October 15, 2019. ECF No. 16.

2. Counsel for Hiller requests a first extension of time of 62 days to file the second amended petition. Counsel's workload and this Office's continuing investigation of the case has prevented counsel from meeting the current deadline.

3. Undersigned counsel was recently promoted to Chief of the Non-Capital Habeas Unit on July 1, 2019. As a result, undersigned counsel has had to dedicate a great deal of time over the last three months focusing on administrative and management tasks. Undersigned counsel has had to learn the job of Chief, and, due to an attorney's departure, has had to handle a significantly large caseload at the same time. The undersigned has had to take on a great number of that attorney's cases in the short term while we fill his open position. This was in addition to undersigned counsel's prior existing caseload. Within the past month, undersigned counsel has had to prepare and file two cert. petitions, a motion in state court, as well as two authorizations for leave to file a second or successive petition—once again, in addition to the significant number of administrative and managerial tasks undersigned counsel has necessarily had to focus on. Also, the undersigned has had to dedicate a great deal of time during the past month to training a new attorney (who was hired to fill undersigned counsel's old position) and a new legal assistant. These training responsibilities will continue and soon increase when a new attorney begins in the unit on October 28, 2019.

4. The combination of the attorney's departure plus the new responsibilities as Chief has made it very difficult for undersigned counsel to dedicate sufficient time to completing the second amended petition in this case.

5. In addition, over the past month, this Office has begun actively investigating Ms. Hiller's case. The investigator has plans to visit Ms. Hiller this month.

6. For these reasons, counsel is requesting an additional 62 days to file the second amended petition.

7. On October 14, 2019, counsel for respondents, Deputy Attorney General Jaimie A. Stilz, indicated by email respondents do not oppose this request with the understanding that the lack of objection is not a waiver or concession of any kind.

8. This motion is not filed for the purpose of delay, but in the interests of justice, as well as in the interest of Ms. Hiller. Counsel for Petitioner respectfully requests that this Court grant this motion and order Petitioner to file the Second Amended Petition no later than December 16, 2019.

Dated October 15, 2019.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Jonathan M. Kirshbaum
Jonathan M. Kirshbaum
Assistant Federal Public Defender

IT IS SO ORDERED:

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 15th day of October, 2019.

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jaimie Stilz.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Janet Hiller
#82339
Jean Conservation Camp
3 Prison Road
P.O. Box 19859
Jean, NV 89019

/s/ Richard D. Chavez
An Employee of the
Federal Public Defender,
District of Nevada